

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, NOVEMBER 23, 2004
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Ray Stevens, Chair
Larry Hudkins, Vice Chair
Bernie Heier
Deb Schorr
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:30 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, November 16, 2004.**

MOTION: Hudkins moved and Workman seconded approval of the minutes of the Board of Commissioners meeting dated November 16, 2004. Schorr, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

- 3) **CLAIMS FOR REVIEW:**

A. Payment Voucher 612-1396, dated November 6, 2004 - Administrative Services has requested payment to Industrial Services, Inc., in the amount of \$2,065. The payment is for dead animal removal and includes dates between May 10, 2004 through July 12, 2004, totaling \$296. These dates are claims that are beyond the 90 day time period (see Neb. Rev. Stat. §23-135).

Kerry Eagan, Chief Administrative Officer, stated it had been verified that the Sheriff had dispatched Industrial Services on the dates that lie beyond the 90 period. He added that there was a double billing regarding an incident on September 27, 2004 and requested that the Board reduce the bill by \$62 relating to that billing.

3) **CLAIMS FOR REVIEW CONTINUED:**

MOTION: Heier moved and Schorr seconded approval of payment voucher 612-1396 dated November 6, 2004 to Industrial Services, Inc. with a reduction of \$62. (Total amount of voucher would be \$2003.) Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

B. Payment Voucher 648-05058, dated November 2, 2004 - Records and Information Management has requested payment to Manpower, in the amount of \$417. This payment is for work ending June 20, 2004. The claim is beyond the 90 day time period (see Neb. St. Stat. §23-135).

MOTION: Heier moved and Workman seconded approval of Payment Voucher 648-05058, dated November 2, 2004 to Manpower, in the amount of \$417. Workman, Hudkins, Schorr, Heier and Stevens voted aye. Motion carried.

4) **CLAIMS: Approval of all claims processed through Tuesday, November 23, 2004.**

MOTION: Hudkins moved and Heier seconded approval of all claims processed through November 23, 2004. Hudkins, Heier, Workman, Schorr and Stevens voted aye. Motion carried.

5) **PUBLIC HEARINGS:**

A. County Special Permit 04052, requested by Kitra L. Deger, for authority to construct and operate a private school/preschool for up to 30 students, on property generally located at 148th Street and "O" Streets (14302 "O" Street) in Lancaster County, Nebraska.

The Chair opened the public hearing and asked if anyone wished to provide testimony.

The Clerk administered the oath to Kitra Deger, applicant.

Deger indicated that the information relating to the special permit reads that the permit would allow operation of a private school/preschool for up to 30 students. She clarified that operation would be for up to 30 students per session, with four sessions being held.

The Clerk administered the oath to Mike DeKalb, Planning Department.

DeKalb concurred with the clarification by Deger.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

6) **NEW BUSINESS:**

A. A resolution in the matter of County Special Permit 04052, requested by Kitra L. Deger, for authority to construct and operate a private school/preschool for up to 30 students, on property generally located at 148th and "O" Streets (14302 "O" Street), Lancaster County, Nebraska. (R-04-0138)

MOTION: Heier moved and Workman seconded approval of Resolution 04-0138 in the matter of County Special Permit 04052, requested by Kitra L. Deger, for authority to construct and operate a private school/preschool for up to 30 students, on property generally located at 148th and "O" Streets (14302 "O" Street), Lancaster County, Nebraska.

FRIENDLY AMENDMENT: Stevens offered a friendly amendment with the clarification that there would be a maximum of 30 students for each of four sessions.

The maker of the motion and the seconder concurred.

ROLL CALL: Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

B. A resolution authorizing the installation of traffic signs at the following locations in Maseks 1st Addition Subdivision: (R-04-0140)

- Install a "Stop" sign on West Masek Drive east of Northwest 27th Street for westbound traffic
- Install street identifications at the intersection of West Masek Drive and Northwest 27th Street
- Install a "No Outlet" sign on West Masek Drive east of Northwest 27th Street for eastbound traffic
- Install a "Speed Limit 25 Mile Per Hour" sign on West Masek Drive east of Northwest 27th Street for eastbound traffic
- Install street identification signs at the intersection of West Masek Drive and Northwest 25th Street

The signs for Maseks 1st Addition Subdivision will be paid for by the developer and installed by the County.

MOTION: Schorr moved and Hudkins seconded approval of Resolution 04-0140 authorizing the installation of traffic signs in Maseks 1st Addition Subdivision. Schorr, Heier, Workman, Hudkins and Stevens voted aye. Motion carried.

C. A resolution in the matter of salary increases for directors, assistant directors, psychiatrists, sheriff captains, bailiffs, the child support referee and attorneys. (R-04-0141)

6) **NEW BUSINESS CONTINUED:**

MOTION: Schorr moved and Heier seconded approval of Resolution 04-0141 in the matter of salary increases for directors, assistant directors, psychiatrists, sheriff captains, bailiffs, the child support referee and attorneys.

In response to a question asked by Hudkins, Don Taute, Personnel Director, indicated he had been unable to speak with the Director of the Nebraska Nursing Home Administration.

AMENDMENT TO MOTION: Hudkins moved that the salary for the Administrator of Lancaster Manor include a \$5,000 market adjustment making that salary \$110,866.

Hudkins withdrew the amendment to the motion.

AMENDMENT TO MOTION: Hudkins moved and Heier seconded that the inclusion of a market adjustment relating to the salary for the Administrator of Lancaster Manor be held for one week for further review and information by the Personnel Department .

Heier withdrew his second to the amendment to the motion.

Hudkins withdrew his amendment.

AMENDMENT TO MOTION: Hudkins moved and Heier seconded that the inclusion of a market adjustment relating to the salary for the Administrator of Lancaster Manor be held to allow for further review and information and to place back on the agenda in one week after a report from the Personnel Department.

Heier called for the question.

ROLL CALL: Heier, Workman and Hudkins voted aye. Schorr and Stevens voted no. Motion carried.

ROLL CALL ON ORIGINAL MOTION: Hudkins, Workman, Heier, Schorr and Stevens voted aye. Motion carried.

D. A grant contract with Cedars Youth Services for screener/case manager services (\$107,189) and expanded Teen Court to serve juvenile offenders and their families (\$7,768). Total amount of the grant is \$114,957. Term of the grant contract is from November 1, 2004 to October 31, 2005. (C-04-0567)

MOTION: Schorr moved and Hudkins seconded approval of a grant contract with Cedars Youth Services for screener/case manager services (\$107,189) and expanded Teen Court to serve juvenile offenders and their families (\$7,768). Total amount of the grant is \$114,957. Heier, Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

E. A grant contract with Cedars Youth Services for the general operation of the Juvenile Drug Court Tracker Program (\$20,000) and the Pretrial Diversion Minority Outreach Program (\$20,000). Total amount of the grant is \$40,000. Term of the grant contract is from July 1, 2004 to June 30, 2005. (C-04-0568)

MOTION: Workman moved and Heier seconded approval of a grant contract with Cedars Youth Services for the general operation of the Juvenile Drug Court Tracker Program (\$20,000) and the Pretrial Diversion Minority Outreach Program (\$20,000). Total amount of the grant is \$40,000. Workman, Schorr, Hudkins, Heier and Stevens voted aye. Motion carried.

F. A Region V Network Provider contract for services under the Projects for Assistance in Transition from Homelessness (PATH). The County, through the services of the Community Mental Health Center, would provide outreach services, community mental health services, screening and diagnostic services. Term of the agreement is October 1, 2004 to September 30, 2005. The County will be compensated up to \$32,500 for the services and the County is required to match \$10,833, in cash or in kind. (C-04-0569)

MOTION: Workman moved and Hudkins seconded approval of a Region V Network Provider contract for services under the Projects for Assistance in Transition from Homelessness (PATH). Hudkins, Workman, Heier, Schorr and Stevens voted aye. Motion carried.

G. An interlocal agreement with the City of Lincoln and Lancaster County, on behalf of the Sheriff's Office, for compliance checks with regard to businesses selling tobacco products. The County will receive up to \$2,060 for fiscal year 2005 and \$2,740 for fiscal year 2006. Term of the agreement is from the date of execution until June 30, 2006. (C-04-0570)

MOTION: Hudkins moved and Heier seconded approval of an interlocal agreement with the City of Lincoln and Lancaster County, on behalf of the Sheriff's Office, for compliance checks with regard to businesses selling tobacco products. Schorr, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

H. A confidentiality agreement and application to request access to Nebraska Health and Human Services System Information Technology (IT) Assets. The agreement provides the Child Support Division of the Lancaster County Attorney's Office access to the State CHARTS (Children Have a Right to Support) System. The agreement includes a 30 day termination provision. (C-04-0571)

6) **NEW BUSINESS CONTINUED:**

MOTION: Heier moved and Workman seconded approval of a confidentiality agreement and application to request access to Nebraska Health and Human Services System Information Technology (IT) Assets. Hudkins, Schorr, Heier, Workman and Stevens voted aye. Motion carried.

I. Recommendation from the Purchasing Agent and the Emergency Management Director to award an order for portable radio equipment at City of Lincoln mirror contract prices per Executive Order 66784 to Racom, in the total amount of \$16,356.75 using grant funds obtained by the Emergency Management Department. (B-04-0049)

MOTION: Hudkins moved and Workman seconded to award an order for portable radio equipment at City of Lincoln mirror contract prices per Executive Order 66784 to Racom, in the total amount of \$16,356.75 using grant funds obtained by the Emergency Management Department as recommended by the Purchasing Agent and the Emergency Management Director. Schorr, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

J. Recommendation from the Purchasing Agent and the County Sheriff to award an order from State of Nebraska Contract OC 11120 for one, 2005 Chevrolet Impala with ISE upgrade and option for touch-up paint to Husker Auto Group, in the amount of \$16,106.50, and to also award an order from State of Nebraska Contract OC 11110 for eight, 2005 Ford Crown Victoria Police Interceptor Pursuit Vehicles (full size sedan, rear wheel drive, complete with second power outlet, single key system and police prep package), in the amount of \$171,800 (\$21,475 per vehicle). Total amount of order is \$187,906.50. (B-04-0050)

MOTION: Heier moved and Hudkins seconded approval to award orders from State of Nebraska Contracts for one, 2005 Chevrolet Impala from Husker Auto Group and for eight, 2005 Ford Crown Victoria Police Interceptor Pursuit Vehicles, in the total amount of \$187,906.50, as recommended by the Purchasing Agent and the County Sheriff. Workman, Schorr, Heier, Hudkins and Stevens voted aye. Motion carried.

K. Recommendation from the Purchasing Agent and the County Selection Committee to award a request for proposal (RFP) and enter into contract negotiations with Olsson Associates for design consulting services for the Jamaica North Trail Project. (B-04-0051)

6) **NEW BUSINESS CONTINUED:**

MOTION: Workman moved and Hudkins seconded approval to award a request for proposal and enter into contract negotiations with Olsson Associates for design consulting services for the Jamaica North Trail Project as recommended from the Purchasing Agent and the County Selection Committee. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

L. Recommendation from the Purchasing Agent and the project architect (Sinclair Hille) to award a bid for general contractor for the County vehicle storage facility to Progressive Construction, in the amount of \$372,000. (B-04-0052)

MOTION: Hudkins moved and Heier seconded approval to award a bid for general contractor for the County vehicle storage facility to Progressive Construction, in the amount of \$372,000 as recommended by the Purchasing Agent and the Project Architect, Sinclair Hille.

Eagan requested that the approval be subject to the requirement that the contractor sign a provision indicating they have paid their personal property tax on all business equipment used on the project. He stated the requirement is pursuant to Neb. Rev. Stat. Section 77-1323.

Eagan added the contractor is aware of the circumstances and has agreed to sign the certificate.

The maker of the motion accepted the request as a friendly amendment.

Chris Beardslee, Project Architect, appeared and stated they are right at budget. He added that included in the amount of \$372,220 was a \$20,000 contingency allowance.

Vince Mejer, Purchasing Agent, appeared and stated that the award should be in the amount of \$372,220 instead of \$372,000.

AMENDMENT: Hudkins moved and Heier seconded to amend the original motion to approve to award a bid for general contractor for the County vehicle storage facility to Progressive Construction, in the amount of \$372,220 instead of \$372,000.

ROLL CALL: Schorr, Hudkins, Workman and Heier voted aye. Stevens voted no. Motion carried.

M. Recommendation from the Purchasing Agent and the project architect (Sinclair Hille) to award a bid to Midwest Roofing Inc., in the amount of \$79,937, for the re-roofing of the Lancaster County Extension Office located at 444 Cherrycreek Road, Lincoln, Nebraska. (B-04-0053)

6) **NEW BUSINESS CONTINUED:**

MOTION: Hudkins moved and Workman seconded to award a bid to Midwest Roofing Inc., in the amount of \$79,937, for the re-roofing of the Lancaster County Extension Office located at 444 Cherrycreek Road, Lincoln, Nebraska as recommended by the Purchasing Agent and the Project Architect, Sinclair Hille. Workman, Schorr, Heier, Hudkins and Stevens voted aye. Motion carried.

N. Authorization of Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund to the following payees:

- Voss Lighting, in the amount of \$171.22, for lighting supplies at Midtown Center
- City of Lincoln, in the amount of \$1,151.64, for fees associated with the remodel of the old Attention Center located at 2220 South 10th Street
- Cheever Construction Company, in the amount of \$94,672.37, for general construction associated with Midtown Center
- General Excavating, in the amount of \$19, for supplies for Midtown Center
- Sinclair Hille Architects, in the amount of \$10,449.63, for services associated with the Sheriff's garage.

Total payment request is \$106,463.86.

MOTION: Schorr moved and Hudkins seconded approval of the authorization of Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund, in the total amount of \$106,463.86. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

O. Approval of the Federal Annual Certification Report for the County Attorney's Office. The Equitable Sharing Fund Balance for the County is \$82,417.05.

MOTION: Heier moved and Hudkins seconded approval of the Federal Annual Certification Report for the County Attorney's Office. The Equitable Sharing Fund Balance for the County is \$82,417.05. Workman, Hudkins, Schorr, Heier and Stevens voted aye. Motion carried.

- 7) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

The Clerk noted that the Planning Department requested that Consent Item 7C(2) be withdrawn.

A. Receive and Place on File:

1. **Noxious Weed Control Authority's Monthly Report for October, 2004.**
2. **Noxious Weed Control Authority's Monthly Report for the Combined Weed Program with the City of Lincoln for October, 2004.**

B. Setting of a public hearing for Tuesday, November 30, 2004 at 1:30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building to increase the appropriations for the County Debt Service Fund by \$1,360,000.

C. Setting of public hearings for Tuesday, December 7, 2004 at 1:30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding the following:

1. **County Final Plat 03028, The Preserve at Cross Creek**, requested by Brian D. Carstens and Associates on behalf of Land II, L.L.C., consisting of 15 lots on property generally located at South 68th Street and Roca Road in Lancaster County, Nebraska.
2. **County Final Plat 04062, The Preserve at Cross Creek 1st Addition**, requested by Brian D. Carstens and Associates on behalf of Land II, L.L.C., consisting of nine lots, on property generally located at South 68th Street and Roca Road in Lancaster County, Nebraska.

D. Setting of public hearings for Tuesday, December 14, 2004 at 1:30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding the following:

1. **County Preliminary Plat 04023, Fisherman's Landing**, requested by Brian D. Carstens and Associates on behalf of Pendel, Inc., for eleven residential acreage lots on property generally located northwest of the intersection of South 176th Street and Firth Road in Lancaster County, Nebraska.
2. **County Special Permit 04049, Fisherman's Landing Community Unit Plan**, requested by Brian D. Carstens and Associates on behalf of Pendel, Inc., for eleven residential acreages on property generally located northwest of the intersection of South 176th Street and Firth Road in Lancaster County, Nebraska.

7) **CONSENT ITEMS CONTINUED:**

E. Requests from the following individuals to voluntarily participate in the Lancaster County Retirement Plan having met the requirements:

- Teresa Lea Click, an employee with Lancaster Manor
- Tina Sue Vosler, an employee with Lancaster Manor

F. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following:

- Merl K. and Carol Luree Vinson, in the total amount of \$6,914, at North 141st Street and Rock Creek Road; Project BRO-7055(101). (2 contracts) (C-04-0572 and C-04-0573)
- Andrew J. and Janice K. Stellato, in the total amount of \$3,174.74, on Old Cheney Road from South 148th to South 190th Streets; Project C55-Q-407(2). (2 contracts) (C-04-0574 and C-04-0575)
- Dale E. and Rhoda E. Retzlaff, in the total amount of \$6,769.50, on Old Cheney Road from South 148th to South 190th Streets; Project C55-Q-407(2). (C-04-0576 and C-04-0577)
- Peterson Brothers, in the total amount of \$6,067, at North 141st Street and Rock Creek Road; Project BRO-7055(101). (2 contracts) (C-04-0578 and C-04-0579)
- Macdonald Farms Inc., in the total amount of \$8,039.50, on Old Cheney Road from South 148th to South 190th Streets; Project C55-Q-407(2). (3 contracts) (C-04-0580 through C-04-0582)
- Richard V. and Leota L. Kucera, in the total amount of \$2,859.50, on Old Cheney Road from South 148th to South 190th Streets; Project C55-Q-407(2). (3 contracts) (C-04-0583 through C-04-0585)

MOTION: Heier moved and Schorr seconded approval of the Consent Items with the exception of Item 7C(2) which was withdrawn. Hudkins, Heier, Workman, Schorr and Stevens voted aye. Motion carried.

8) **OTHER BUSINESS:**

Hudkins read a letter into the record from Raymond Althouse expressing his concerns relating to a road between North 176th and North 190th and Holdrege Street (Exhibit 1).

It was requested that each Commissioner, as well as the County Engineer, be sent a copy of the letter.

8) **ADJOURNMENT:**

MOTION: Schorr moved and Workman seconded adjournment of the Board of Commissioners meeting at 2:28 p.m.. Schorr, Heier, Workman, Hudkins and Stevens voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, NOVEMBER 23, 2004
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Ray Stevens, Chair
Larry Hudkins, Vice Chair
Bernie Heier
Deb Schorr
Bob Workman

Others Present: Norm Agena, County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 2:28 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, November 16, 2004.**

MOTION: Heier moved and Workman seconded approval of the minutes of the Board of Equalization dated November 16, 2004. Schorr, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

- 3) **ADDITIONS AND DEDUCTIONS:**

Approval of 4 additions and deductions to the tax assessment rolls per Exhibit "A".

MOTION: Heier moved and Schorr seconded approval of the additions and deductions to the tax assessment rolls. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

4) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Blessed Sacrament Parish and School
Christian Record Services, Inc.
Nebraska Crop Improvement Association
St. Patrick's Catholic Church
Trinity United Methodist Church
Women in Community Service, Inc.**

MOTION: Schorr moved and Heier seconded approval of the motor vehicle tax exemptions. Workman, Hudkins, Schorr, Heier and Stevens voted aye. Motion carried.

5) **ADJOURNMENT:**

MOTION: Heier moved and Schorr seconded adjournment of the Board of Equalization meeting at 2:30 p.m.. Hudkins, Heier, Workman, Schorr and Stevens voted aye. Motion carried.

Bruce Medcalf
County Clerk